IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 73329-M of 2006

DATE OF DECISION : 19.12.2006

Gurdeep Singh

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.K. Ahluwalia, Advocate,
for the petitioner.

* * *

Petitioner Gurdeep Singh has filed this petition under Section 482 of the Code of Criminal Procedure (hereinafter referred to as `the Code') for quashing of complaint dated 10.12.1999 and the orders dated 5.8.2005 and 26.7.2006, passed by Sub Divisional Magistrate, Dera Bassi and Additional Sessions Judge, Patiala, respectively.

2. I have heard counsel for the petitioner and gone through the aforesaid complaint as well as the impugned orders.

3. On complaint filed by respondents No. 4 to 6, under Section 133 of the Code, Sub Divisional Magistrate, Dera Bassi passed order dated 9.5.2003 directing the petitioner to remove the encroachments. After hearing counsel for the parties and considering the claim put forth by the parties, the said order was confirmed vide order dated 5.8.2005. Aggrieved against this order, the petitioner filed revision petition and the court of Additional Sessions Judge, Patiala, dismissed the revision vide order dated 26.7.2006. Hence, this petition under Section 482 of the Code has been filed.

4. After hearing counsel for the petitioner and going through the impugned orders, I do not find any illegality in the same, as both the courts have categorically held that the petitioner had encroached upon a public property by erecting a boundary wall around it. There is no scope of interference in the impugned orders by this court in exercise of the inherent powers under Section 482 of the Code. The order passed in the summary proceedings under Section 133 of the Code will neither debar the petitioner from establishing his title on the disputed property in the civil court nor it will operate as res judicata.

5. Dismissed.

December 19, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**